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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13

14 UNITED STATES OF AMERICA, Criminal No. CR 12-111 EMC

15 Plaintiff,

16 v.

17 **STIPULATION AND [PROPOSED]**
18 **ORDER CONTINUING HEARING AND**
19 **EXCLUDING SPEEDY TRIAL TIME**
20 **[18 U.S.C. § 3161]**

21 WILLIAM J. WISE,

22 Defendant. /

23 Counsel for the United States and counsel for defendant
24 William Wise appeared on May 23, 2012 for a status hearing in the
25 District Court, all time having previously been excluded under
26 the Speedy Trial Act. At that hearing, counsel for the United
27 States stated that there was a significant amount of discovery at
28 issue (over 100 boxes of documents). Based on the nature of the
charges, the proffer relating to the volume of discovery, and the
agreement of counsel for defendant Wise, the Court found that
this case was properly designated as complex pursuant to 18
U.S.C. § 3161(h) (7) (A) & (B) (ii), and that time should also be
excluded based on effective preparation and continuity of counsel
pursuant to 18 U.S.C. § 3161(h) (&) (A) & (B) (iv). The Court set a

status date of July 25, 2012 and then, pursuant to a stipulation by the parties through counsel, continued that appearance to August 22, 2012.

The parties have continued to review discovery, conduct additional investigation, and negotiate a possible disposition. There has been an unanticipated delay in obtaining necessary court documents and orders from the Northern District of North Carolina. Counsel still awaits those documents but anticipates that their delivery is now current. Counsel for the United States was out of the District on July 25 and August 8, 2012 and counsel for defendant was out of the District from August 2 until August 14, 2012. Accordingly, the parties stipulate that the August 22, 2012 hearing should be vacated and continued to September 12, 2012 at 2:30 p.m., with time excluded based on the complex designation, effective preparation, and continuity of counsel, pursuant to 18 U.S.C. § 3161(h)(7)(A) & (B)(ii), (B)(iv).

SO STIPULATED.

Date _____ /s/ _____
PAUL DELANO WOLF
Attorney for Defendant
WILLIAM J. WISE

Date _____ /s/ _____
TRACIE L. BROWN
Assistant United States Attorney

~~[PROPOSED]~~ ORDER

For good cause shown and based on the parties' representations and agreement at the May 23, 2012 hearing and as set forth herein, the Court finds that failing to exclude the

1 time between May 23, 2012 and August 22, 2012 would unreasonably
2 deny the defendant and the government continuity of counsel, and
3 would deny both counsel the reasonable time necessary for
4 effective preparation, taking into account the exercise of due
5 diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further
6 finds that, in light of the nature of the charges and the volume
7 of discovery, the case is properly designated as complex pursuant
8 to 18 U.S.C. § 3161(h)(7)(B)(ii). For all of these reasons and
9 as set forth on the record at the May 23, 2012 hearing, the Court
10 finds that the ends of justice served by excluding the time
11 between May 23, 2012 and September 12, 2012 from computation
12 under the Speedy Trial Act outweigh the best interests of the
13 public and defendant William Wise in a speedy trial. Therefore,
14 IT IS HEREBY ORDERED that the time between May 23, 2012 and
15 August 22, 2012 shall be excluded from computation under the
16 Speedy Trial Act. 18 U.S.C. § 3161(h)(3)(A), (h)(7)(A),
17 (h)(7)(B)(ii) & (B)(iv).

18 The hearing set for August 22, 2012 is hereby vacated,
19 and the parties shall appear for their next status hearing on
20 September 12, 2012 at 2:30 p.m.

21 August 16, 2012

22 Date

